

# **The Superior Court of King County**

**Sharon S. Armstrong**, Judge  
King County Courthouse - Seattle  
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Seattle, Washington 98104

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## **TRIAL PROCEDURES IN DEPARTMENT 29**

Counsel,

Please review these procedures. They are intended to insure a smooth and efficient trial.

### **A. Estimate of Trial Length**

1. Before trial begins, the court will review with counsel all witnesses expected to testify. The court will inquire as to the substance of each witness's testimony, the length of direct and cross examination, the order of witnesses and whether witnesses are cumulative, and whether stipulation may suffice.

### **B. Witnesses**

1. Plan for your witnesses to fill the entire court day.
2. Call witnesses promptly; do not engage in discussions outside the courtroom that delay court proceedings.
3. Advise your witnesses of orders in limine.
4. Witness examination is limited to direct, cross, redirect, and recross.

### **C. The Jury**

1. Do not directly interact with or speak to the jury during the course of the trial (except during opening statement and closing argument) and advise your witnesses of this instruction.
2. If you wish to publish an exhibit to the jury, ask the court's permission before doing so.
3. Do not show or ask your witness to show anything to the jury, whether a document, demonstrative piece of evidence or other object, unless it has been admitted as an exhibit.

### **D. Court Orders**

1. If you believe that the "door has been opened" on a subject that has previously been ruled upon, you must first raise the issue outside the presence of the jury with the court; you may not make an independent determination that the order is no longer in effect.

E. Form of Objection

1. Stand when you object and state the succinct basis of your objection, e.g., irrelevant, calls for hearsay, asked and answered, mischaracterizes the witness's prior testimony.
2. Do not make "speaking" objections; you may ask for a sidebar.
3. Wait for a ruling on an objection; if you agree with the objection, state that you will rephrase BEFORE doing so.
4. Do not speak over opposing counsel, witnesses or the court and advise your witnesses of this instruction.

F. Interaction Between Counsel and the Judge

1. Do not interrupt the court.
2. Do not confer with your client or co-counsel while the court is speaking.
3. Address your comments to the court, not to one another.

G. Use of Courtroom

1. You may move around the courtroom when examining witnesses, but do not lean over a witness.
2. When court recesses at lunch and at the end of day, please exit the courtroom as quickly as possible. Court staff cannot leave the courtroom unattended and have other non-trial responsibilities outside the courtroom.

H. Exhibits

1. Address the admissibility of problematic exhibits pretrial.
2. Anything given to a witness must be marked as an exhibit.
3. Anything shown to the jury must first be admitted as an exhibit.
4. Absent counsels' stipulation, illustrative exhibits do not go to the jury room.

I. Closing Argument

1. Do not allude to any matter that has not been admitted into evidence.
2. Do not assert personal knowledge of facts.
3. Do not state a personal opinion regarding the justness of a cause, the credibility of a witness, the culpability of a civil litigant or the guilt or innocence of an accused. You may argue based on your analysis of the evidence for any position or conclusion regarding these matters.
4. Do not ask the jury to put themselves in the position of your client.
5. Do not refer to similar cases and the amount of damages awarded in those cases during closing argument.

Thank you for your cooperation.

Judge Sharon S. Armstrong